Jeff Adachi

Jeff Adachi is the elected Public Defender for the City and County of San Francisco, a position he has held since 2002. He is a graduate of University of California, Hastings College of the Law and University of California, Berkeley. Mr. Adachi spoke with AALJ on September 27, 2007 about his path to becoming the Public Defender, his inspirations, his contributions to the reform of the criminal justice system, and his thoughts on the role that Asian American communities should play in the criminal justice system.

INTERVIEWER: Can you describe the path that brought you to where you are today?

JEFF ADACHI: I never set out to become a lawyer. When I was growing up in Sacramento, I think I knew one lawyer whom I had met when I was pumping gas at a gas station.

It was probably in the third grade when I first had some awareness of what it meant to be Japanese American. I remember the teacher at school mentioned something about the Japanese Americans of my parents’ generation being interned during World War II. That was the first time I learned about Japanese American internment, and I will never forget it because I got into a fight with another kid afterwards and got in trouble. I remember going home and asking my mom if it was true that she and my dad were interned during World War II. She told me that it did happen. I asked her, “What did you do? Did you commit a crime?” She said, “No, it was because we were Japanese American.” That stayed with me always, and it started my quest.

In the eighth grade I became interested in Asian American history and wanted to know more about my background. My friends and I started an Asian club in ninth grade, which ended up being more of a social club than anything. It was not until high school that I began reading and became exposed to not only Asian American history, but also African American history and Latino/Chicano history. Back then, they did not have Asian American studies in high school. So, I took my first Asian American studies class in college.
I went to Sacramento City College and became involved in what was then the Tule Lake Pilgrimage, where we would go to the site of the former internment camp—staying near the camp or visiting the camp with elders.¹ Just to see what my parents had gone through was a life-changing experience for me. That was how I became interested in the Asian American community and activism.

In terms of law, I became involved in the Chol Soo Lee case during college.² I was probably twenty years old and going to Berkeley at the time. My roommate and I had read about the case in the paper, and we contacted the reporter, K.W. Lee. We drove up to Sacramento to meet with him, and he told us about the case. The thing that struck me about the case, more than anything else, was that here you had a Korean immigrant who was essentially charged with a Chinatown gangland murder. It did not make sense that they would have used a Korean American to kill a Wah Ching gang member. The case raised a host of issues concerning racism and prosecution regarding his arrest.

The case also had overtones about what was happening in the prison system. When we got involved with Chol Soo’s case, he had been charged with a second murder that happened while he was in prison: He was charged with killing a neo-Nazi and the case was already in full swing.

Our job was to raise public awareness, so we joined a defense committee with other people who were interested and began advocating at churches and on campuses. It was a long struggle. We met every other week for over a six or seven-year period. We raised about $120,000 for his defense, and it became a national movement. However, we started it here in California through political education regarding issues relating to prison gangs, racism, line-up procedures, and things like that. These were not things that people thought about. That experience really raised my consciousness as to the problems in the criminal justice system.

The real challenge for us was to take Chol Soo’s case and bring it to the people. Here was a guy who had overcome tremendous hurdles just to be here. And he wasn’t an angel. He had been in trouble before, which made it

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¹. Tule Lake was the largest and most controversial of the ten War Relocation Authority camps used to carry out the government’s system of Japanese internment during World War II. It was there that the war resisters known as the “no-no boys” were sent. Tule Lake Committee, History of Tule Lake Internment Camp and the Pilgrimages, http://www.tulelake.org/history.html (last visited Mar. 19, 2008).

a hard sell. But there was tremendous support within the Korean community. People really mobilized around his case, particularly young people.

His first case was tried in Sacramento because the District Attorney requested a change of venue. His conviction was overturned and the District Attorney decided to retry it here in San Francisco. By the time the case went to trial, he was already convicted in the second case. I was there when the verdict came down in Stockton.

At the time of the retrial, I was in my first year of law school. I cut class to attend the trial. Tony Serra and Stuart Hanlon had taken over the defense. I was actually in court when Chol Soo was acquitted, and it was one of the most powerful moments in my life. After six or seven years of fighting for his freedom, the jury acquitted him. That whole process was an amazing thing to witness. That was when I decided that I wanted to be a public defender.

INTERVIEWER: Can you describe the Asian American activism scene during this time?

ADACHI: At the time, the Korean community was not as organized because there wasn't a large influx of Korean immigrants coming to this country until after 1964, so the Korean community was still finding its place. But there were quite a few Japanese Americans and Chinese Americans involved in Chol Soo's case. It was one of the first pan-Asian united fronts. It was also very political because, at the time, you had different revolutionary organizations in the Asian community that also got involved in the case, and there were a lot of battles around that. This was interesting to me because I was coming from Sacramento—a very small community where everybody worked together and knew each other—to San Francisco, where the political scene was very different.

4. J. Tony Serra is a highly acclaimed trial attorney who has successfully argued numerous high-profile civil rights cases. Some of his clients have included Huey Newton of the Black Panthers, members of the Symbionese Liberation Army, and most recently, Zachary Running Wolf—the Native American leader involved with the protection of the Memorial Oak Grove and Native American burial grounds. Pier 5 Law Offices, Tony Serra, http://pier5law.com/Tony-Serra.htm (last visited Mar. 19, 2008).
The thing that excited me about the Asian American movement is that it really helped define a place for us. I remember reading Dick Gregory’s book, *No More Lies.*° It really had an influence on me because it opened my eyes to what I had thought was the objective reality of how people of color and other oppressed groups were treated in this country. I really became a full-time activist when I was in Berkeley. I was in the Haas Business School, and I dropped out and changed my major to Asian American studies. My mom said, “Hey, you’re never going to get a job. You’re never going to have a future.” But it’s what I wanted to do—to try to make change.

INTERVIEWER: Did you go to law school right after graduation?

ADACHI: No. After graduation, I went to Los Angeles for a couple years, worked as a counselor for an Asian American drug abuse program and got involved in prevention education. I was working with a lot of young people, particularly Korean immigrants, who had gotten involved in gangs, and I saw there was a need for lawyers. My clients were always calling me to ask if I knew a good lawyer.

In law school, I immediately began working with Garrick Lew." In my interviews, I went through the phone book and calling every Asian lawyer. I wanted to find a role model that I could relate to. Garrick Lew really supported me and gave me the opportunity to learn criminal law.

INTERVIEWER: Did you ever feel compelled to practice anything other than criminal defense?

ADACHI: There was a time when, coming out of law school, it was almost an understood compact that you would do community work when you got out. For example, at the University of California, Hastings, the affirmative action committees for the different ethnic groups actually decided who got into law school; They actually had the power to decide who got offered a slot. Of course, with *Bakke*" and the changes in the law, that changed. But, during that time, it was almost agreed upon that if you did go into the affirmative action program, you would come out and do community work

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8. Regents of the Univ. of Cal. v. Bakke, 438 U.S. 265 (1978) (holding that race can only be used as one of the many factors in college admissions).
and be a community lawyer. That was why you were there. When I started law school, there was a debate over whether you were a “sell-out” if you went corporate, but that battle was pretty much over by the time I got out of law school. Almost everybody went into corporate law and very few were going into public interest. I always knew that I did not want to take that route. I wanted to be a public defender, a criminal defense attorney. It was an easy choice for me. I applied and I got a job at the San Francisco Public Defender’s Office right out of law school. I am just fortunate that I was hired here.

INTERVIEWER: What was the biggest challenge you faced as a young attorney?

ADACHI: When you start any job, you start at the bottom and work your way up. I started here in the misdemeanor division. The one thing I felt very strongly about coming in was that I wanted to establish myself as a trial lawyer. It was not enough to be just a public defender—I wanted to be the best. I do not necessarily see myself as a brilliant person, but I was always willing to work hard and to go that extra mile. Often, I had to work harder to do what I did. I never had a white-collar job before becoming a lawyer. I was a restaurant worker for a lot of years. In Berkeley, I worked as a cook. I worked as a duck plucker, plucking ducks for three or four years. I come from a working class background. Going into law was really a different role.

You establish yourself as a public defender by trying cases. Back then, we were handling huge caseloads, probably two or three hundred cases per lawyer. I tried twenty-eight jury trials to verdict in the first eighteen months I was in the office. I just went out there and learned the hard way. When you are starting off as a trial lawyer, it is scary because even though you have gone to law school and you passed the bar, you do not really know what to do. Just standing there in front of a jury and giving an opening statement, or a closing argument, is a big undertaking. It is the kind of thing that, the more you do it, the more you hone your skills—cross-examination, closing argument, motion writing—to build the foundation to be a good trial lawyer.

I am grateful to have had a lot of mentors who took me under their wings. It is very true of the Asian American legal community that you can always find mentors. As a young attorney, I reached out to a lot of people. I can probably name dozens of people whom I consider my personal mentors: people like Michael Yamaki, who became the chief appointments

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9. Michael R. Yamaki is an established criminal defense attorney in Los Angeles and a former
secretary under Governor Gray Davis; Dale Minami and other people in the criminal defense community; and Daro Inouye, a deputy public defender who still works in this office now.

INTERVIEWER: What about being a criminal defense attorney appeals to you most?

ADACHI: The thing about being a defense attorney that appeals to me most is the idea of going into the courtroom and representing a client whom everybody—the jury, the prosecutor—is against. When most people think about the criminal justice system they think of Law and Order. It brainwashes us to think that you go to court, you get a fair judge, you get a fair prosecutor, you get a good lawyer, and justice prevails. The reality is just the opposite: When you go to court your client is presumed to be guilty; he or she is wearing red or orange; the prosecutor wants to win the case and wants to see your client convicted; the judge often is an ex-prosecutor who is also against your client; the jury is often—at least in the beginning—predisposed against your client; and it is just you against everyone else. Being able to turn that around is what appeals to me about being a defense attorney.

The other thing is that you have to be creative and unafraid of going into a situation where it looks grim. I tried cases where there was a confession on videotape and five eyewitnesses who said the client did this very bad thing. How do you muster the strength to go into court and try a case like that? That is the challenge that public defenders face every day.

You lose, too, as a public defender, which is hard. People do not like to lose. Lawyers do not like to lose. I do not like to lose. But a reality of this work is that sometimes you lose, and the stakes are high.

INTERVIEWER: With all of the cases you have tried, are there any that particularly stand out for you?

ADACHI: Within three and a half years of being hired at the Public Defender’s Office, I tried my first murder case, which I lost. It was the only murder case I have lost. The client was innocent. The police had

suppressed evidence of his innocence during trial. We later found witnesses who were able to prove his innocence after he was convicted. I spent probably five years trying to prove he was innocent. After a few years, the law firm of Keke r & Van Nest took over the case. They invested a million dollars into his case, and he was finally released from prison.

I've got his picture right up there—that is John Tennison. He now works at the front desk at our office. You might have seen him when you came in. Sometimes people ask, "How can you do what you do? How can you represent people who are guilty?" But the greatest fear that you have as a public defender is representing the innocent client who is convicted. That is the greatest nightmare of any defense attorney.

INTERVIEWER: Have you ever experienced racism in the courtroom and, if so, how have you handled it?

ADACHI: I remember I was in court arguing a motion for a murder case I was doing. The judge, who was a judge from another county, said to me, "Do you have a case in the Tokyo Reports?" I said, "No." And he said, "Well, you know, if you don't have a case from the Tokyo Reports, I don't want you to say anything further." He said something like that. I immediately understood what he was saying. He was referring to the fact that I was Japanese. There are no Tokyo Reports.

I finished arguing the motion, and then I decided to file a motion to challenge the judge based on racial bias. I filed a motion to disqualify the judge for racial prejudice, and it became a big issue. I was criticized for even taking on a judge in that way. People thought that I was taking things personally. I really felt that my client, who was African American, had not received the level of representation he should have because I was Japanese. We succeeded in taking the judge off that case, but experiences like that really convinced me that I needed to continue the work that I did in collaboration with others toward social justice and particularly toward improving Asian American images.

This was one reason why I got involved in the Asian American Theater Company. 12 I always thought that the arts were a really powerful medium

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12. Established in 1973, the Asian American Theater Company (AATC) is one of the nation's oldest theatrical organizations dedicated to the development and presentation of works by, for, and about, Americans of Asian and Pacific Islander descent. Asian American Theater Company,
to move the dialogue forward in terms of improving not only the perception of Asian Americans into the larger society, but also perceptions that we have of ourselves. I chaired the Theater Company for a couple years, and then I decided to start my own foundation called the Asian American Arts Foundation. The idea was to create a multi-ethnic Asian American coalition that would provide support to Asian American artists and also protect who we were. I started producing events. We did an event called the Golden Ring Awards, an award and performance show that we did every other year here in San Francisco. The goal was to be like the NAACP Image Awards or a mini Oscars. We succeeded in doing that, and we honored artists like Oliver Stone, Chow Yun-Fat, Joan Chen, and Wayne Wang. We really tried to increase the visibility of Asian American artists. It was kind of an odd thing to do as a lawyer, but I felt that, in terms of the racism and prejudice I was seeing in the courtroom, there had to be a way that we could collectively improve the situation.

INTERVIEWER: Can you describe the path that led to running for Public Defender?

ADACHI: In 1998, Jeff Brown, who had been the Public Defender for two decades, asked me whether I wanted to be the next Public Defender. I had been working here for about thirteen years, and I had never thought about becoming an elected official or running for this office. I was very happy with what I was doing. By that time, I was doing high profile cases for the office—murder cases, special circumstance cases—and really enjoyed my practice a lot. I was appointed as Chief Attorney that same year, and served as second-in-command, in charge of managing the entire office.

Honestly, I never really saw myself as being someone who would get involved in politics. I always saw politics as something that was too inside http://www.asianamericantheater.org/ (last visited Mar. 19, 2008).


14. Chow Yun-Fat is one of Asia’s most renowned actors, having won the “best actor” award three times in Hong Kong and twice in Taiwan. He has also enjoyed success in Hollywood in films such as Pirates of the Caribbean: At World’s End and Anna and the King. Internet Movie Database Profile of Chow Yun-Fat, http://www.imdb.com/name/nm0000334/ (last visited Mar. 19, 2008).


16. Wayne Wang is a prolific Asian American director who has achieved critical acclaim with independent movies such as Smoke and Anywhere But Here, as well as commercial success with Hollywood productions like Maid in Manhattan. Internet Movie Database Profile of Wayne Wang, http://www.imdb.com/name/nm0911061/ (last visited Mar. 19, 2008).
also see a lot of Asian American engineers, doctors, and lawyers, but you still do not see Asian Americans in high profile positions. When I had the opportunity to run for office, I really thought hard about it. Jeff Brown was going to retire in 2003. But in 2002, he was approached and asked to serve on the California Public Utilities Commission. He resigned and left the office. The next day, Kimiko Burton, who was the daughter of the President of the State Senate, John Burton, was appointed as Public Defender, and she fired me the next day. Within a course of a week, I went from Chief Attorney running for office to, basically, out of a job. People call it a “triple-play” because the Governor appointed Jeff Brown, then Mayor Willie Brown, who was Kimiko Burton’s godfather, appointed her Public Defender, and then she fired me.  

At that point, I had to make a decision as to whether I was going to continue my run for office. I was a political novice. I had really no political backing. I had no endorsements. I knew it was going to be an uphill struggle. I seriously considered just going into private practice, which I actually did because I lost my job. But, by that time, I was already invested in running. I just could not see myself walking away from it. I remember being at a Giants game and looking at the stadium thinking, “How am I going get double the number of people here—80,000 voters—to vote for me in this election?” It just seemed overwhelming. The one thing I did have on my side was time, and I had done a lot of work in the community. Unknowingly, that sort of experience really helped me. Becoming involved in the Asian American Bar Association, trying all these cases, and speaking to juries really came in handy in learning how to campaign. I had about a year and a half with the campaign, and I campaigned constantly. I was out there just trying to meet people, to win support.

At the same time, in San Francisco politics, the tide was turning against what was known as the “Brown-Burton machine”. A new progressive Board of Supervisors was voted in. That was a year before my election, and I received a lot of their support and the endorsement of progressives like Matt Gonzalez and Gerardo Sandoval, who had both worked here as...
public defenders, and Aaron Peskin, as well as many others. I also found that people in San Francisco were really open to what we did. People understood why there was a Public Defender’s Office, and why it was important that there be a competent and effective Public Defender. We went all over town and talked to people about it and got involved in issues that related to the work that we do.

In March 2002, I was elected. And you know what? I won by about 10,000 votes. It was like 70,000 votes to 60,000 votes. Even today, I have to pinch myself. I do not believe that I actually had the opportunity to do this job. Back then, of course, it was scary because I had to actually do the job.

But I knew how to fix things here because I had been here for years. I was Chief Attorney for three years and that was a really good learning experience for me. We were just entering the technology era, and I was one of the first lawyers here to have a computer because I bought my own back in 1996. I really saw that as a calling. I worked very hard to try to develop the infrastructure of this office and to bring in more funding through grants.

I immediately set out to reduce caseloads. We were doing one hundred felony cases per lawyer then, and today we have about fifty felony cases per lawyer. We used to have one paralegal for eighty-two lawyers, and now we have about fifteen or sixteen paralegals. I increased the number of lawyers to about a hundred, and we have about seventy support staff. We have a saying here that we provide “the best representation money can’t buy.”

INTERVIEWER: Describe the role of the elected Public Defender.

ADACHI: I am the only elected Public Defender in California. We have elected Public Defenders in Florida and Alaska, and a few other states have one or two, so it is a rarity. I believe very strongly that it is good to have an elected Public Defender because it puts us on the same footing as the District Attorney, who is elected in every city and county in the United States.

I do engage in politics. I see the Public Defender as playing a larger role in being responsible for our constituency—poor people and people who do


not have access to justice. What is their perspective? Some of the issues that I am involved in now, and that I have been involved in, are what people always call “far-left” issues. And I do not consider myself a far-left person, necessarily. I do consider myself a progressive, but I also see myself as someone who represents a constituency.

You might have noticed that there has been this back-and-forth about the gang injunctions in the newspapers. The City Attorney filed gang injunctions against residents in the Mission, the Western Addition, and in Bayview-Hunters Point. I have taken a position of not only opposing the injunctions, but actually representing individuals who are named in these injunctions. My concern is that, because these are civil injunctions, the individuals do not have the right to a lawyer. Secondly, from my review of the people they are naming, a lot of them are not in gangs. I represented a young man whose only gang connection was that he rapped about gangs, and he has been seen with gang members.

I see the Public Defender’s role as stepping in to provide representation even if it has to do with an unpopular issue, such as defending a sex offender who is challenging Jessica’s Law, which requires them to live so many feet away from a school. In San Francisco, that is not practical. I see myself as somebody who is obligated to take unpopular positions. I would not necessarily say extreme positions, but I think that they are definitely outside the mainstream.

That does not mean, though, that I am not a pragmatist. I always perform my work with a strong sense of obligation and duty to the community. I grew up in Sacramento where there is a very tight-knit community. I was part of the Buddhist Church, and we did a lot of things as a community. I think that the work that we do in a public defender’s office reflects that. The most important thing is to provide the best representation possible. Beyond that, I see the role of the Office as really being a force in the community; not only being there to provide legal services, but also to help people get to that next step.

INTERVIEWER: How has the Public Defender’s Office evolved since your election?

ADACHI: I think that if you are going to have a just system, you have to have a public defender’s office that is well resourced. I think that is certainly something that still needs to be achieved in this country. We probably spend ten dollars on prosecutor resources for every dollar spent on public defense. In San Francisco, that is not as true, but if you go to most places around the country, you will find that public defenders are
understaffed and underpaid. While we still clearly have a long way to go here, I think we are definitely an example of one of the best criminal defense firms in the country. Currently, we have one hundred and seventy-five staff members, including ninety-five lawyers, and an annual budget of twenty-five million dollars.

We have gone beyond providing only legal representation to providing what we call "holistic" representation. Within this office we have, for example, our Clean Slate Program, which helps to clear people's records.23 Through this program, those who were convicted of a crime and can prove that they have rehabilitated themselves can go to court and ask that the conviction be expunged. An expungement will clear the person's record for the purposes of employment. A lot of people are disadvantaged by the fact that, because they have a felony conviction, they cannot find a job or take out a student loan. We set out to change that. You would think most public defender's offices would offer this service, but very few do. We not only provide this service free of charge to the community, but we actually staff community law offices in Bayview-Hunters Point, Visitation Valley, the Mission, the Western Addition, and South of Market to reach out to our client population. Last year, we cleared 2,400 records. The Clean Slate Program has been recognized by the California Public Defender's Association, and we have received the San Francisco Managerial Excellence Award.

We also started a youth program called the MAGIC Program—Mobilization for Adolescent Growth in our Communities.24 This is a grassroots movement and is a collaboration of organizations that do work with youth and families in disadvantaged communities, such as Bayview-Hunters Point and the Western Addition. We have a collaboration of over forty community organizations in each of these communities, and we do work that benefits youth. We run a computer lab. We give out over 3,000 backpacks a year and school supplies to kids. We organize within the community to achieve these outcomes. We work on a lot of youth-led initiatives where the youth themselves plan, create, produce, and market everything from t-shirts to artwork. I have four full-time community workers who work in the community every day.

We now have a re-entry unit here where we are helping people who were released from prison and jail obtain housing, education, and employment. Something that I really believe strongly in is that if you give people the

opportunity to improve their lot, they would opt to do something productive rather than burglarize a place at night. Just recently, we sponsored our second re-entry summit at San Francisco State University. Over 375 participants convened to discuss improving the coordination and delivery of services for formerly incarcerated individuals. We brought in experts in re-entry work from around the country, and we televised it as well.

We are a very active office. We see ourselves as activists, not only in the courtroom, but in the streets as well. Obviously, everybody here has a different focus. Our juvenile division serves about 1,500 youth a year through the juvenile unit. We provide wraparound services, meaning that we work in collaboration with community-based agencies to provide services to young people. We have social workers with different areas of expertise that work specifically with the youth. We have an educational expert who helps kids get back into school after they have been expelled. I really see public defense as being full-service.

There are other similar public defender's offices like the Bronx Defenders, for example. Though they work on a smaller scale, they have long held this community model. That is really where I see the public defender office of the future.

**INTERVIEWER:** How do you respond to the people who have negative perceptions of public defenders?

**ADACHI:** A lot of people, when they think about a public defender, think that they are going to get a second-rate lawyer. Some people do not even think public defenders are lawyers at all. That is one of the challenges of the job: You always have to prove yourself to your clients. They have the same expectations that anybody else would have.

On the other hand, one of the great things about the job is that we get to engage in the pure practice of law by representing individuals who have nothing or have very little in terms of financial resources. To be able to bring that to them, I think, is a great thing to be able to do every day.

Public defenders are people who are natural protagonists. One has to be anti-authority and has to be willing to stand up and challenge the norm, or the authority, or judges. That is a big part of what we do. You have to be able to put your personal biases aside and fight for your client no matter

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what he or she is charged with. Sometimes your client is charged with the most heinous crime you could imagine, but as a public defender, you have an obligation both to the client and to the criminal justice system to fight as hard as you can on behalf of your client.

We represent about 25,000 people a year. It seems like a huge amount, but we can provide quality representation because we have instituted very strict standards. We see clients within forty-eight hours if they are in custody. We have a really strong training program here for our new staff. People work very hard here. It is part and parcel of being a public defender, but it is a job I would not trade for anything. I really respect the people I work with here and the good work they do for our clients.

INTERVIEWER: What do you see next for you?

ADACHI: I enjoy both the trial work as well as the administrative responsibilities that are part of my job. I enjoy the politics of the job too. You do not often see Asian Americans entering elections, but this is starting to change. Interestingly enough, you see a lot of Vietnamese and Indian Americans who are running for office. I think that that is really the final frontier. I’d like to help others who are interested in seeking public office. I think that this upcoming presidential race has the potential to make history if the first African American President, Barack Obama, is elected.

I see media too. I have still kept up my interest in the arts. I just made a film called *The Slanted Screen*, a documentary film about the way that Asian American men are portrayed in popular media. G A film called *Presumed Guilty* was made about our office a couple of years ago that aired nationally on PBS and all over the world. It was really a statement about public defenders and what we do. Seeing the power of media, I really believe that it is an area in which Asian Americans need to gain more prominence. It is changing now, which I am happy to see, but that is still an area that I am very interested in.

Ironically, though I am still involved in the Asian American community, most of my work now is in the African American and Latino communities. Looking at the problems that San Francisco faces with regards to crime and violence, it seems that if we are really going to tackle these problems, we need to get to the roots. Unless we are able to fundamentally change the way in which the poor are treated, where there are huge divides between the economic resources that are made available to people, we are always going to have the kinds of problems that we see in cities like San Francisco. I really believe in youth empowerment. I see the work that we do in communities of color as a vehicle to organize people for

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social change. Although I have obviously changed, the ideal that I had as a social activist—in wanting to come forward, advocating for change, and wanting to create real tangible opportunities for people—continues to stay with me.

One thing that I really believe in is being a mentor. People were there for me, and I think that it is incumbent on anybody who is in a position of leadership to be able to provide support to people who are coming up or people who are looking for opportunities. My view is that the generation that is coming up is going to be so much more successful and effective and strong than I was or than my generation was. That is my hope.

INTERVIEWER: What is your take on prison reform versus prison abolition?

ADACHI: America incarcerates more people than any other country in the world. California incarcerates more people per capita than any country or state in the world. We have almost 200,000 people in prison here. That is just in state prison, not counting the county jails. Nationwide, I think the number exceeds 2,000,000. We have created the prison industrial complex as we have any other capitalistic industry. It is an industry that constantly needs to be fed, an industry that survives because of the base conditions of poverty, racism, and economic disparity in this country.

And it is very blatant: If you look at drug offenses and the kind of sentences that are given to drug offenders, as opposed to white-collar criminals, it is like night and day. Martin Grass, ex-Rite Aid CEO, who was involved in a fraudulent scheme involving one billion dollars, received a sentence of eight years, and the judge reduced his sentence. Compare that with the case of a woman I read about who received a twenty-five-year sentence because she was living with a drug dealer and drugs were found in her house. Those are the kinds of inequities that really make my blood boil.

Even looking at the way in which the system justifies why there are more blacks or more Latinos in prison is unconscionable. People want to focus on black crime or brown crime, and you see that in the media and popular


culture. Not to say that one feeds the other, but it does create a situation where politicians and elected officials pass laws like the “Three Strikes” law because they can play on that public fear.\textsuperscript{31}

In the 1960s, California had one of the most progressive educational systems in corrections. They even offered college courses. All that stopped during the 1970s and the 1980s, especially during the Wilson years where we saw a complete reversal of policy. Now, there is a 70% recidivism rate, and people are constantly returning to prison.\textsuperscript{32} Less than 2% or 3% of the corrections budget goes to rehabilitation, and it has been an abject failure.

I do not know how we are going to dig ourselves out of it because the elected officials, our leaders, are afraid to do anything about it, to make any meaningful change. California Governor Arnold Schwarzenegger had all these planned reforms. They have not happened. I have gone up to Sacramento and advocated for changes in laws, but the political will is not there. The politicians uniformly are usually the strongest proponents of higher penalties for criminal defendants because it is a popular issue they can use to get elected. The result has been wasted lives. We just have too many people in prison.

Do I believe in the abolition of prisons? I do not think I would go that far. I think that in every society there is going to be some form of punishment. Our capitalist society is based on a so-called reward system for making it and penalties for not making it. I do think that creating meaningful re-entry programs for both juveniles and adults locally is really the only short-term solution now. I have focused my efforts on trying to change things locally. We have created local re-entry programs and brought more funding to local programs so when people get out of prison they have housing, education, and plenty of opportunities.

INTERVIEWER: Some people believe that to actually have the power to make the changes that we want to see, one should go into the District Attorney’s office because that’s where the power is. Can you comment on this sentiment?

ADACHI: I personally would never want to be a prosecutor—it is just not something I could or would want to do. The prosecutor serves a necessary function in our justice system. I obviously work with our District Attorney
INTERVIEW: JEFF ADACHI

Kamala Harris here, and have great respect for her and her work, even though we are adversaries in the courtroom. People have to find their own way. People can choose to work in a number of different capacities, and I think that this is the one thing I learned out of the whole affirmative action era—people can contribute in different ways. It was not always about necessarily being a community lawyer or a people's lawyer. That's simply not for everybody.

I think it is important that people contribute to the progress of social change. You have to remember that there was a time when Asian Americans could not be lawyers. There was a time when, unless you were a natural-born citizen, you could not be a lawyer if you were Asian. There were lawsuits that were filed. During the Third World strikes, there was a similar strike at U.C. Hastings where people boycotted classes because of the lack of minority representation. People got kicked out of school because they stood up against the administration. I do believe that, ultimately, there is an obligation for people to give back. In terms of what you choose, you can serve your community in a number of ways: You could be a prosecutor, a defender, a corporate lawyer, a lawyer representing non-profit organizations, or a volunteer. I think that all those things are important, but it is important that people contribute, either by giving their time or financial support.

INTERVIEWER: From your particular vantage point, you can probably see what issues are coming down the pipe. What issues do you see as gaining prominence for Asian Americans, and what issues do you see subsiding as related to the criminal justice system?

ADACHI: When you talk about Asian Americans and crime, the first reaction is often denial, since many assume that there aren't many Asian Americans who get into trouble with the law. The truth of the matter is yes, there are Asian Americans who are involved in the criminal justice system. There are Asian Americans who are addicted to drugs. There are Asian Americans who are serving time in state prisons all over the country. I think that there is a certain naiveté within the Asian community that does not want to acknowledge that, and that wants to adhere to the model minority myth.

The most important thing for our community is that we need to educate

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ourselves, and we need to be willing to talk about these issues. Eddy Zheng, for example, who works with us on our re-entry council, is somebody who has been through the system and can talk about what it is like. He was in prison for twenty years. After being released, he published *Other: An Asian and Pacific Islander Prisoners' Anthology*, a collection of unique stories and perspectives of Asian and Pacific Islander (API) prisoners. He is extremely intelligent and has a lot to say about how we can improve the prison system in California. But these issues are rarely talked about in the Asian community. I think that, as we grow and become more comfortable with dealing with the issue of crime and its root causes, these issues will be talked about more. I think that we need to critically look at the areas where we are failing in terms of serving other communities, particularly those comprised of new immigrants. The Asian American community is not homogeneous—you will see cultural, religious, political and racial differences within Asian American communities that sometimes preclude us from working together—but it is something that is slowly changing. You see, for example, political forces rising in the Vietnamese community, and they are working to elect Vietnamese candidates to public office.

Recently, I received an award from the Organization of Chinese Americans, and, to me, this was one of the most meaningful awards that I have received because I received it from an organization that I respect very much in the Chinese American community. So, I do see more and more crossover.

I think that when we talk about criminal justice issues like the "Three Strikes" law and when we talk about sentencing reform, the Asian American community needs to take an interest not only because it does affect Asian Americans, but also because it affects the basic foundation of our society. If we cannot have a criminal justice system that works, we cannot have a safe society. This is what people do not often understand. They think that if we lock everybody up and provide them no support, somehow our society is going to be safer. The reality is that 95% of the people who are in prison are going to get out sometime in the next three to four years. When they come out, are they going to be able to rejoin society as productive members, or are they going to continue the cycle of crime?

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I think the Asian American community needs to be concerned about these issues. In terms of cutting-edge issues, we often hear about the prosecution of hate crimes as a progressive solution to combating racism and violence. Frankly, I think that more often than not, hate crimes are under-prosecuted where they should be prosecuted, and they are over-prosecuted where they should not be charging hate crimes at all. Another area of concern is gang crimes, where we have all these new gang enhancements. I often see Asian American youth being stereotyped as gang members. Are there Asian gangs? Yes, there are. Do I see people who are not in gangs being charged as gang members? Yes, often. It goes without saying that I think from all the media images that this is a very powerful stereotype—Asians as gang members. I am representing a young Cambodian man now, who was involved in a fight that led to a stabbing, and he is being charged with a gang offense. They are saying that he was a gang member when, in fact, his connections to the gang are very tenuous at most. It is something that we see very often.

We need to be more concerned about racial profiling and how it affects the relationship between minority communities and law enforcement. I hate to use this phrase because people think of that as pulling the race card, but it is about the same basic inequities from two hundred years ago which forbade, for example, Asians from being on juries or from being witnesses in criminal cases. You still have these basic inequities in the criminal justice system, except that they have just shifted from one extreme to the other.

Are we a more just society today than we were a hundred years ago? Yes. Are we a more just society than we were twenty years ago? I hope so. But things in criminal justice swing back and forth, and right now, we are at a backswing. We are at a place where punishment is not only favored, but has become pretty much the rule rather than being balanced with rehabilitation. I am hopeful that we are going to be successful in creating more rehabilitation in the criminal justice system, but it is going to take time.

INTERVIEWER: Is there anything else you want to add to close?

ADACHI: I think it is very important for Asian Americans to enter the field of law. For anyone that is coming in, you have to think, “Why do you want to do it? What change do you want to make?” When I was coming out of law school, they were talking about reversing the Korematsu case,

which Dale Minami ultimately did. Today, we have a lot of *Korematsu* cases that are out there now—people who are being held in custody without lawyers. There was a man alleged to be an “enemy combatant” who was held in custody for nearly two years, and he was not allowed to see a lawyer. These are the challenges that are waiting at the doorstep of the next generation that is graduating from law school. And, not to burden new lawyers, but these are challenges that any lawyer who chooses to do so can undertake. I think it is a very exciting time for the new generation of lawyers and advocates. There are a lot of battles to be fought, so I just hope that the next generation that is coming up does not shy away from that challenge. I hope they realize and recognize the sacrifices that people have made to put myself and other Asian American leaders in the positions that we are in. I hope we are able not only to leverage that and do greater things for ourselves, but to also make room for the next generation of attorneys who are coming up. They are the ones who will pick up the mantel and continue the fight against injustice.

**INTERVIEWER:** Thank you very much for speaking to us.

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